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8 Attorneys for Plaintiff  
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 HUNTER MOORE and  
16 CHARLES EVENS,  
aka "Gary,"

17 Defendants.  
18


No. CR 13-917-UA

GOVERNMENT'S EX PARTE  
APPLICATION FOR ORDER UNSEALING  
INDICTMENT

19  
20 Plaintiff, United States of America, hereby applies ex parte to  
21 the Court for an order to unseal the indictment in the following  
22 case: CR No. 13-917. This case has not yet been assigned to a  
23 district court judge.

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2014 JAN 23 AM 10:02  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES  
BY: 

FILED

1        This ex parte application is based on the attached memorandum  
2 and declaration of Assistant United States Attorney Wendy T. Wu.

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4 Dated: January 23, 2014

Respectfully submitted,

5        ANDRÉ BIROTTE JR.  
6        United States Attorney

7        ROBERT E. DUGDALE  
8        Assistant United States Attorney  
9        Chief, Criminal Division

10        /s/  
11        WENDY T. WU  
12        Assistant United States Attorney

13        Attorneys for Plaintiff  
14        UNITED STATES OF AMERICA  
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1                    MEMORANDUM OF POINTS AND AUTHORITIES

2            The government requests that this Court unseal the indictment  
3 only in this case because sealing is no longer necessary to maintain  
4 the integrity of this investigation because all the defendants in  
5 this case have been apprehended.

6            Approval from this Court to seal these documents is required  
7 under Local Rule 79-5.1. The Court of Appeals for the Ninth Circuit  
8 has held that district courts have the inherent power to seal  
9 affidavits in support of warrants. In re Sealed Affidavit (Agosto),  
10 600 F.2d 1256 (9th Cir. 1979) (per curiam); see also Offices of  
11 Lakeside Non-Ferrous Metals, Inc., 679 F.2d 778 (9th Cir. 1982)  
12 (citing Agosto). Thus, approval from this Court is also required to  
13 unseal these documents.

14           This inherent power is properly exercised when disclosure of  
15 the affidavit would reveal facts that might interfere with an  
16 ongoing criminal investigation. Shea v. Gabriel, 520 F.2d 879 (1st  
17 Cir. 1979). Where disclosure of those facts would no longer  
18 interfere with the investigation, unsealing is appropriate.

19           Here, for the reasons described in the attached declaration,  
20 sealing of the indictment is no longer necessary to maintain the  
21 integrity of the government's investigation. The government  
22 accordingly requests that indictment now be unsealed.

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DECLARATION OF WENDY T. WU

I, Wendy T. Wu, declare as follows:

1. I am an Assistant United States Attorney in the United States Attorney's Office for the Central District of California. I represent the government in the above-captioned case.

2. On December 20, 2013, the government moved to seal the indictment, arrest warrants, and related documents in this case. At that time, defendants had not yet been arrested on the indictment and had not yet been informed that they were named in the indictment. The likelihood of apprehending these individuals would have been jeopardized if the indictment in this case had been made publicly available before those individuals were taken into custody on the indictment.

3. On December 20, 2013, the Honorable Magistrate Judge Carla M. Woehrle ordered that the indictment, the arrest warrants, and related sealing application and orders be sealed. Accordingly, this indictment was filed under seal on the same day.

4. Warrants for the arrest of the defendants have been executed. Both defendants were apprehended today and are expected to make their initial appearances in federal court this afternoon.

5. The government believes that there is no longer a need to keep this indictment sealed. Accordingly, the government respectfully requests that the indictment in this case be unsealed.

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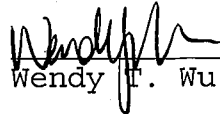
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1 I declare under penalty of perjury, under the laws of the  
2 United States of America, that the foregoing is true and correct to  
3 the best of my information and belief.

4 Executed this January 23, 2014, in Los Angeles, California.

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Wendy F. Wu